



BILL NO. 72

Local Bill

*1st Session, 60th General Assembly
Nova Scotia
55 Elizabeth II, 2006*

**An Act to Amend Chapter 55
of the Acts of 1963,
the Halifax Regional Water Commission Act**

CHAPTER 52
ACTS OF 2006

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 23, 2006**

The Honourable Barry Barnet
Hammonds Plains-Upper Sackville

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

**An Act to Amend Chapter 55
of the Acts of 1963,
the Halifax Regional Water Commission Act**

Be it enacted by the Governor and Assembly as follows:

1 Sections 26 and 27 of Chapter 55 of the Acts of 1963, the *Halifax Regional Water Commission Act*, are repealed and the following Sections substituted:

26 The Commission, its officers and employees, are not liable for damages caused

(a) directly or indirectly by

(i) the design, construction, operation, maintenance, repair, breaking or malfunction of waste-water facilities, a storm-water system or a water system, or

(ii) interference with the supply of water through a water system, unless the damages are shown to be caused by the gross negligence of the Commission or its officers or employees;

(b) by the discharge of sewage or water into premises from a sewer unless the discharge was caused by the improper construction, or neglect in the maintenance of the sewer, or a failure to remedy a matter that was known, or should reasonably have been known, to the Commission and should reasonably have been repaired; or

(c) in any case where this Act or the regulations have not been complied with by an owner or previous owner of premises that have been damaged.

27 (1) The Commission is not liable for a loss as a result of the breakage of a pipe, conduit, pole, wire, cable or a part of a utility or service provided by the Commission, or the discontinuance or interruption of a service or connection, by reason of

(a) accident;

(b) disconnection for non-payment or non-compliance with a term or condition of service; or

(c) the necessity to repair or replace a part of a utility or service.

(2) The Commission is not liable for nuisance as a result of the construction or operation of a work, if the nuisance could not be avoided by any other practically feasible method of constructing or operating the work.

28 Any sewer system, either storm or sanitary, or sewage-treatment facility, owned, operated, managed or controlled by the Commission is deemed to be a public utility within the meaning of the *Public Utilities Act*.
